

Message Text

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TO AMEMBASSY MEXICO

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E.O. 11652: N/A

TAGS: ETRD, MX

SUBJECT: LITIGATION ON REJECTION OF COUNTERVAILING DUTY
PETITION CONCERNING LITHARGE AND RED LEAD FROM MEXICO

1. TREASURY PUBLISHED THE FOLLOWING NOTICE IN THE FEDERAL
REGISTER OF AUGUST 2, 1976. BEGIN TEXT:

CUSTOMS SERVICE

ASSESSMENT OF COUNTERVAILING DUTIES ON LITHARGE AND RED
LEAD FROM MEXICO

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PETITION FILED BY AMERICAN MANUFACTURE, PRODUCER, OR
WHOLESALE JULY 13, 1976.

THE CUSTOMS SERVICE RECEIVED ON FEBRUARY 5, 1976, A PETITION
FILED ON BEHALF OF HAMMOND LEAD PRODUCTS, INC. ALLEGING
THAT LITHARGE AND RED LEAD FROM MEXICO BENEFIT FROM BOUNTIES
OR GRANTS BY VIRTUE OF THE OPERATION OF THE MEXICAN
EXPORT TAX AND PRICE CONTROL SYSTEMS. BY LETTER DATED
MAY 18, 1976, THE PETITIONER WAS NOTIFIED THAT:

AFTER CAREFUL CONSIDERATION, THE DEPARTMENT HAS CONCLUDED
THAT THE INFORMATION AND ALLEGATIONS CONTAINED IN THIS

PETITION DO NOT ON THEIR FACE DESCRIBE A BOUNTY OR GRANT
AND ARE THEREFORE INSUFFICIENT TO WARRANT INITIATION OF
FORMAL INVESTIGATION.

ON JUNE 17, 1976 NOTIFICATION WAS RECEIVED BY THE DEPART-
MENT THAT HAMMOND LEAD PRODUCTS, INC., DESIRED TO CONTEST
THE FAILURE OF THE DEPARTMENT TO ASSESS COUNTERVAIL-
ING DUTIES.

IN ACCORDANCE WITH THE PROVISIONS OF SECTION 516 OF THE

TARIFF ACT OF 1930, AS AMENDED BY THE TRADE ACT OF 1974
(19 U.S.C. 1516), NOTICE IS HEREBY GIVEN THAT THE
SECRETARY OF THE TREASURY HAS DECIDED THAT THE COUNTER-
VAILING DUTIES SHOULD NOT BE ASSESSED AND THAT A DOMESTIC
PRODUCER HAS GIVEN NOTICE AS CONTEMPLATED BY SECTION 516
OF THE TARIFF ACT OF 1930, AS AMENDED (19 U.S.C. 1516),
THAT IT DESIRES TO CONTEST SUCH DECISION.

VERNON D. ACREE,
COMMISSIONER OF CUSTOMS.
APPROVED: DAVID R. MACDONALD,
ASSISTANT SECRETARY OF THE TREASURY
END TEXT.

2. FOLLOWING PUBLICATION OF THIS NOTICE THE PETITIONER
MAY INITIATE ACTION IN CUSTOMS COURT TO CONTEST -HE
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TREASURY DECISION. THE TRADE ACT OF 1974 (SEE SECTION
331(B))AMENDED THE TARIFF ACT OF 1930 SO AS TO PROVIDE
THE CUSTOMS COURT AND THE COURT OF CUSTOMS AND PATENT
APPEALS WITH JURISDICTION TO HEAR CASES INVOLVING
NEGATIVE COUNTERVAILING DUTY DETERMINATIONS. THIS CHANGE
WAS IN LARGE PART A RESPONSE TO 1971 HAMMOND LEAD CASE IN
WHICH COURT OF CUSTOMS AND PATENT APPEALS FOUND IT DID
NOT HAVE JURISDICTION. OTHER NEGATIVE COUNTERVAILING

DUTY DETERMINATIONS NOW BEING CONTESTED IN CUSTOMS COURT
INCLUDE REJECTION OF U.S. STEEL PETITIONS CONCERNING RE-
BATE OF VALUE ADDED TAX ON STEEL IN SEVEN EC
COUNTRIES, REBATE OF COMMODITY TAX IN JAPAN ON CONSUMER
ELECTRONIC PRODUCTS, NEGATIVE DETERMINATIONS IN
FLOAT GLASS CASES INVOLVING WEST GERMANY, BELGIUM,
AND U.K., AND NEGATIVE DETERMINATION IN INVESTIGATION
OF FERROCHROME FROM SOUTH AFRICA.

3. EMBAS-Y WILL BE ADVISED WHEN SUMMONS HAS BEEN FILED
IN CUSTOMS COURT. THE GENERAL COUNSEL'S OFFICE IN
TREASURY IS THE APPROPRIATE OFFICE IF MEXICAN OFFICIALS
DESIRE FURTHER INFORMATION ABOUT THIS CASE. HABIB

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